

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT**

**Thursday, August 16, 2018
9:00 a.m.
Room 105 Courthouse Annex
Cascade County Commissioners Chambers**

SUP #09-2018

Subject Property Information

Name of Applicant & Owner:	Belinda & Mike Klick PO Box 94 Simms, MT 59477
Legal Description:	S13, T20N, R3W, Lot 13, Simms Original Townsite
Geo-Code(s):	02-3009-13-1-03-03-0000
Parcel Number(s):	0004519400
Existing Zoning:	Mixed Use (MU)
Requested Action:	Approval of a Special Use Permit to allow a Second Dwelling
Surrounding Land Uses / Zoning:	North: Residential / MU South: Residential, Pasture / MU East: Residential / MU West: Farmland / A
Current Land Use:	Residential
Applicable Regulations:	Sections 7.8.10(26) & 10 Cascade County Zoning Regulations

General Information:

The Cascade County Zoning Board of Adjustment is in receipt of a Special Use Permit application from Belinda and Mike Klick to allow a second dwelling on their land on Lot 13 of the Simms Original Townsite, Cascade County, MT. The applicant is requesting that a Special Use Permit be granted as required by Sections 7.8.10(26) of the Cascade County Zoning Regulations.

General Provisions

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A special use permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special Use Permit as Provided in Section 10" within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be \$450.00.

Expiration

The Zoning Board of Adjustment approval of the Special Use Permit shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the Zoning Board of Adjustment approval.

The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the Zoning Board of Adjustment prior to the date of expiration.

Findings of Fact:

1. The property is in the Mixed Use (MU) Zoning District. The proposed duplex is allowed in the Mixed Use District pursuant to Sections 7.8.10(26) of the Cascade County Zoning Regulations. *"Mixed Use District...Uses Permitted Upon Issuance of a Special Use Permit...A second dwelling, including accessory dwelling units"*
2. Belinda and Mike Klick are the legal owners of the property.
3. The property is not in violation of any Cascade County Zoning Regulations or any other County Ordinance, and county taxes are current.
4. Legal Notice of the application and the public hearing was published in the Great Falls Tribune on August 5, 2018 and August 12, 2018. Legal Notice was sent to adjacent property owners on August 6, 2018. As of

writing this staff report, planning staff has received no phone calls or written comments/concerns.

5. A special use permit may be revoked by the Cascade County Board of Adjustment at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations.
6. Appeals of the Zoning Board of Adjustment decision shall follow the process outlined in Section 12 of the Cascade County Zoning Regulations.
7. Access to the new dwelling unit will be from a new approach.

Findings with Respect to the Analysis Criteria

Staff provides that the following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the Zoning Regulations.

1. Conditions may be required that the Zoning Board of Adjustment determines if implemented, will mitigate potential conflicts in order to reach these conclusions.
2. The proposed development will not materially endanger the public health or safety.

Considerations:

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb approaches:

Applicant: Only resident on this section of 150 Olsen Street.

Staff: The impact to traffic conditions will be negligible and in line with existing development in the town of Simms. There is currently only one residence on this stretch of Olsen Street, the applicant's, the installation of an additional approach will not create any undue hazards.

- b. Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection.

Applicant: Sun River Electric, Northwestern Energy – Natural Gas, Simms Sewer, Well Water, 3 River Telephone.

Staff: There is broad access to utilities in the town of Simms, Staff has no reason to believe that any issues will arise due to the provision of utilities. The applicant intends to drill a new well for the proposed residence.

- c. Soil erosion and sedimentation.

Applicant: Minimal impact.

Staff: When considering the relative size of the parcel in relation to the proposed project, it is unlikely there would be any impact on soil erosion and sedimentation.

- d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

Applicant: Minimal impact, will drill well for new resident.

Staff: Staff does not anticipate any significant impacts to the existing sewage infrastructure or compromise to the groundwater of the area. There is no surface water in the immediate vicinity.

- 3. The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

Considerations:

- a. The relationship of the proposed use and the character of the development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: New resident, none.

Staff: The proposed development is in line with existing residential development in Simms, and will be a less intensive use than some other permitted principal uses in the Mixed Use district, such as General Repair or Sales, Restaurants, Small Contractor Yards, or Hotels and Motels.

- b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property.

Applicant: No hazard created.

Staff: While the proposed development is not necessary to public health, safety, and general welfare, Staff does not believe that a residential development will generate any contentious issues in the area.

4. The proposed development will be in harmony with the area in which it is located.

Considerations:

- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: New resident, none.

Staff: Staff does not anticipate any conflicts with the surrounding residential uses with the addition of new residential development. Residential density will increase, but will still be less than other development in the immediate vicinity.

5. The proposed development will be consistent with the Cascade County Growth Policy.

Considerations:

- a. Consistency with the growth policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards.

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

- A. *Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.*
- B. *Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.*
- C. *Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development*

opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.

- D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.*
- E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.*
- F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.*
- G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.*
- H. Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.*
- I. Encourage the growth of the agricultural economy.*
- J. Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.*

Applicant: No impact, may be boon to area.

Staff: An additional home in the town of Simms will mean more residents putting money back into the local economy and broaden the County's tax base. As a residential use it will have a negligible impact on commercial development and growth.

GOAL 2: Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.

Objectives:

- A. Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.*
- B. Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.*

- C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.*
- D. Assure clean air, clean water, a healthful environment and good community appearance.*
- E. Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.*
- F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process.*

Applicant: No impact, residential.

Staff: This proposal will preserve the open space setting of the County by locating new residential development in an existing townsite. The impact to natural resource development will be non-existent and the property is neither a Superfund or Brownfield site.

GOAL 3: Maintain Agricultural economy

- A. Protect the most productive soil types.*
- B. Continue to protect soils against erosion.*
- C. Protect the floodplain from non-agricultural development.*
- D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.*

Applicant: No impact, placing structure as near to existing residence without impacting pasture.

Staff: The applicant has expressed their desire to retain the pastureland on their property and will locate the structure in a place that will create as little impact as possible on the existing pasture. The soil is classified as Yamac clay loam and would be considered prime farmland if irrigated. The size of the parcel and the proposed project would restrict any agricultural operation to a very small scale, but it is ideal that the applicant intends to retain the agricultural use on the property. The property is outside of any Special Flood Hazard Area.

GOAL 4: Retain the presence of the US Military in Cascade County.

Objectives:

- A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.*
- B. Promote the location of additional military missions in Cascade County.*
- C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.*
- D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.*

Applicant: No impact

Staff: Staff does not believe that this application will have any impact on the presence of the US Military in Cascade County. The nearest launch facility is approximately two miles away.

GOAL 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

- A. Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.*
- B. Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.*
- C. Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.*
- D. Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.*

Applicant: Additional residence for my mother and for her health. This will allow more independence.

Staff: Planning staff agrees that this proposal will allow the intended user of the new residence a greater degree of independence. The site will be serviced by the Simms Volunteer Fire Department, which is centrally located in Simms.

- b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

Applicant: No impact.

Staff: The proposal will not have a negative impact on the municipal or joint land use plans, but is likely to have a positive effect on the character of the County and the Simms area.

Section 10.7 Operations

Operations in connection with the Special Use permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Motions:

The following motions are provided for the board's consideration:

- A. Alternative 1: Move the Special Use Permit to allow the placement of a Second Dwelling on Parcel 0004519400, Geocode 02-3009-13-1-03-03-0000 be **denied** due to (ZBOA member proposing denial must delineate legal reason that the application be denied); or
- B. Alternative 2: Move the Board adopt the staff report and **approve** the Special Use Permit to allow the placement of a Second Dwelling on Parcel 0004519400, Geocode 02-3009-13-1-03-03-0000 subject to the following conditions:
 1. The applicant obtains any other required county, state, or federal permits and comply with regulations associated with any other permits.
 2. Applicant obtains addresses from Cascade County Public Works / GIS / Mapping Addressing for E911 purposes.
 3. Applicant obtains approach permit from the Cascade County Road and Bridge Division.

Attachments:

- Special Use Permit Application, Zoning Map, Zoning Section 7.8.10(26)

cc: Belinda and Mike Klick